IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI.W.P.NO.2766 OF 2005

Johny Patrick Santos ..Petitioner
Vs.
The State of Maharashtra ..Respondent

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Mr.V.N.Kamble Advocate (appointed) for Petitioner
Mrs.A.S.Pai, A.P.P. for State

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**CORAM: D.G.DESHPANDE AND**
**SMT.V.K.TAHILRAMANI,JJ.**
**DATE : APRIL 25,2006**

**ORAL ORDER (PER SMT.V.K.TAHILRAMANI,J.):**

1. Heard Mr.Kamble, the learned advocate for the petitioner and Mrs.A.S.Pai, the learned A.P.P. for the State. Rule. By consent, rule is made returnable forthwith.

2. The petitioner had preferred application for furlough. The said application for furlough came to be rejected on the ground that the surety which was being furnished by the petitioner was not a suitable surety. The said surety was the brother of the petitioner and the concerned authorities were of the opinion that as the brother was involved in a criminal case, he will not be a suitable surety for the petitioner.

3. It is seen that brother of the petitioner was involved in a case under Section 324 of IPC. However, it is seen that he is acquitted in the said case. In this view of the matter, we are of the opinion that there should be no impediment for the said person to stand as surety for the petitioner. In this view of the matter, we are inclined to release the petitioner on furlough on furnishing surety of his brother.

4. The petitioner be released on furlough in accordance with the usual terms and conditions on furnishing surety of his brother. In addition thereto, the petitioner shall inform the concerned authorities the address at which he will reside during the period that he is on furlough. The petitioner will report twice in a week to the nearest police station to that address during the period that he is on furlough.

5. Rule is made absolute in the above terms. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]